

**Category #40:**

The Guidelines should address the use of paper products.

- a) New York State should adopt the U. S. Green Building Counsel (USGBC) should be adopted by New York State for inclusion in the guidelines for the green cleaning of schools as it relates to paper products.
- b) The EPA and New York State regulations require a 30% post-consumer material be contained in napkins while Green Seal is requiring 40% post-consumer content without any explanation of the divergence from EPA and New York State guidelines or any indication of environmental benefit. Current law does not require custodial products such as toilet paper and facial tissue to meet environmentally sensitive criteria. The environmental issues associated with the procurement, use and disposal of paper products are separate and distinct from the issues related to the procurement and use of cleaners, waxes, deodorizers and other maintenance products that is specifically referenced in both the Legislative Intent and the stated Purpose of Guidelines suggest that paper products are beyond the scope of, and should be removed from the proposed Guidelines.

**State Response:**

- a) The USGBC LEED Green Building Rating System for Existing Buildings requires that disposable janitorial paper products and trash bags meet the minimum requirements of EPA's Comprehensive Procurement Guidelines (CPG). The CPG program is authorized by Congress under Section 6002 of the Resource Conservation and Recovery Act (RCRA) and Executive Order 13101. Executive Order 13101 directs EPA to issue guidance on buying environmentally preferable products. These are products that have a lesser or reduced effect on human health and the environment when compared to other products and services that serve the same purpose. The CPG recommended content levels for commercial/industrial sanitary tissue products ranges from 10% to 100% for post consumer fiber and recovered fiber. The Federal minimum requirement of 10% is less than New York State would recognize as qualifying for New York State recycling emblem status (6NYCRR Part 368) and far less than certified products under Green Seal and Environmental Choice's certification programs provide in the marketplace. Therefore, New York State will not be adopting the USGBC LEED Green Building Rating System. For further explanation, see the response to comment b below.
- b) OGS disagrees that the environmental issues associated with the procurement, use and disposal of paper products are separate and distinct from the procurement of cleaning products. The main focus of legislation is on minimizing exposures to chemicals affecting human health and the environment through the selection of environmentally preferable cleaning products for schools. Chlorine free and 100% recycled paper products are environmentally preferable and more environmentally sustainable from the perspective of waste minimization. They also reduce the use of toxic chemicals during manufacturing. The certification process provides some flexibility in recycled content and reasonable standards to address chlorine impacts from manufacturing rather than a chlorine content specification in the product, since it is the manufacturing impacts that are the environmental focus for paper products. To comply with the purposs of the legislation and respond to commenter concerns about the narrower Green Seal standards for paper products, the selection of certified products will be acceptable under the OGS guidelines and are an incentive for superior environmental performance. The schools of New York State will be better served by procuring paper products with the EcoLogo certification alongside Green Seal certified products.

Green Seal allows the following post-consumer and post industrial fiber requirements (i.e., totaling 100% recycled paper): bathroom tissue: 20% post-consumer fiber and 80% post-industrial content, facial tissue: 10% post-consumer fiber and 90% post-industrial content, paper towels: 40% post-consumer fiber and 60% post-industrial content. Environmental Choice's certification is based on a load-point system, where recycled content is one of five parameters. Minimum recycled content required for certification is 20%

post-consumer materials from the waste stream. Currently all certified products contain more than 80% recycled material. New York State recycling emblem regulations (6NYCRR 368) specify recycled paper product contents only for the purposes of using the NYS recycling emblem on products and otherwise defers on recycling references to Federal Trade Commission truth in advertising guidelines (6 NYCRR 368.1(a)). 6 NYCRR.368 specifications for post-consumer recycled content include 40% for paper towels, 30% for paper napkins and 20% for other tissue products (See Table 1 under 6 NYCRR 368.4).

### **Frequently Asked Public Comment:**

#### **Paper Products: Paper Towels, Napkins and Toilet Tissue**

--Include Paper Approved by the US Green Building Counsel (USGBC) and the LEED Rating System.

The standards set by The U. S. Green Building Counsel (USGBC) should also be adopted by New York State for inclusion in the guidelines for the green cleaning of schools as it relates to paper products.

Federal, state and local governments have gone to the USGBC for help in creating healthy and productive buildings that reduce their impact on the environment. One component of the USGBC standards is the creation of LEED-EB, Leadership in Energy and Environmental Design for Existing Buildings. Green cleaning is critical to achieving certification under LEED.

The guidelines include the use of sustainable cleaning products and materials which refer to both chemicals and paper products. Source reduction is another prerequisite for LEED certification.

If the Federal Government recognizes the value of the US Building Counsel and its LEED certification program then New York State should also embrace this entity and its standards. This would give customers more choices especially when it comes to paper products. If I have to use 3 sheets of 100% recycled paper to dry my hands because it's not absorbent, wouldn't we all be better off if I only have to use one sheet of paper that absorbs moisture and thus reduces waste? And if this more absorbent paper meets EPA standards for post consumer waste aren't I complying with a guideline set by the Federal Government?

Kimberly-Clark has a line of EPA approved paper as well as paper products that meet the US Green Building Standards. They also have line of dispensers that help reduce waste and prevent cross contamination.

I am a vendor who sells paper products that are Green Seal Certified and I also sell products approved by the USGBC. I want to give my customers a choice of products.

It's my hope that NYS will agree with the Federal Government and approve those paper products that are presently part of the Green Building Counsel and the LEED Rating System.

(Vendor, Maureen Fairlie)

--Current law does not require custodial products such as toilet paper, facial tissue and hand soaps to meet environmentally sensitive criteria. The statute only refers to "cleaning and maintenance products." While we appreciate OGS' recommendations in this regard, districts should not be limited to purchasing products that meet specific standards.

(Diane S. Ward, Governmental Relations Representative, NYS School Boards Association)

--I am aware that on the OGS draft purchasing guidelines, there is guidance on how to purchase paper products and hand soaps. I am not aware that the original education law covered paper products and hand soaps. Can you tell me if these 2 items are now considered covered by the intent of the education law and are REQUIRED by law to be purchased using environmentally sensitive guidelines or is it up to the school district to decide if it wants to purchase these products following the green guidelines OGS will provide.

(Michele Casale, Environmental Health and Safety Specialist Broome Tioga BOCES, Endicott NY)

--Submitted By: Kelly M. Lamendola on behalf of Richard L. Davis of Georgia-Pacific Corporation)

The Legislative Intent of Chapter 584 of the Laws of 2005, which amended the New York State Education Law and State Finance Law in relation to the procurement and use of "Environmentally-

sensitive cleaning and maintenance products” in schools, states:

“It is the purpose of this legislation to reduce as much as possible exposure of children and school staff to potentially-harmful chemicals and substances used in the cleaning and maintenance of schools.” (Chapter 584, Laws of 2005, Section 1, “Legislative Intent”.)

The stated “Purpose of Guidelines” mirrors the Legislative Intent set forth in Chapter 584, stating that even more so than adults, children are vulnerable to, and may be severely affected by, exposure to chemicals, hazardous wastes, and other environmental hazards. It refers to the United States Environmental Protection Agency (“EPA”) estimates that human exposure to air pollutants indoors can be two to five times, and occasionally up to 100 times, higher than outdoor levels; and that children, teachers and employees spend a significant part of their lives in school buildings, *“which may contain harmful chemicals from cleaners, waxes, deodorizers and other maintenance products.”* The Legislative Intent of Chapter 584 and the Purpose of Guidelines further state that “health concerns due to the presence of these chemicals” may require schools and the State to incur substantial costs in terms of staff time and effort, cleanup costs and school closings; and that discharges of chemicals from cleaning and maintenance products may burden publicly owned wastewater treatment works, and may eventually end up in our lakes and streams.

In essence, both the Legislative Intent and the stated Purpose of Guidelines make clear that the procurement and use of “Environmentally-sensitive cleaning and maintenance products”, or “green” cleaning products is intended to protect children, teachers and employees from unnecessary exposure to chemicals and other noxious substances in their school environment. The term “Environmentally-sensitive cleaning and maintenance products” is defined as those cleaning and maintenance products that minimize adverse impacts to children’s health and the environment. See, State Education Law § 409-i(b).

However, paper towels, napkins, and tissue, regardless of their fiber content, do not generate hazardous exposures. These paper products do not create health concerns due to the presence of chemicals or fumes; or otherwise adversely affect indoor air quality. As set forth below, the environmental issues associated with the procurement, use and disposal of paper products are separate and distinct from the issues related to the procurement and use of “cleaners, waxes, deodorizers and other maintenance products” that is specifically referenced in both the Legislative Intent and the stated Purpose of Guidelines. We respectfully suggest that paper products are beyond the scope of, and should be removed from the proposed Guidelines.

The “Designation of Approved Products” states that OGS has been guided by the principles for environmentally preferable purchasing (“EPP”) described by EPA and identified by the Green Seal, Inc. certification process as generally meeting the intent of New York State legislation. However, there are several aspects of the specifications contained in the proposed Guidelines that are divergent from existing EPA and New York State requirements and guidelines, without any explanation of environmental benefit. For example: The EPA has a hierarchy of Reduce, Reuse, and Recycle. In addition, waste reduction is also the first priority of New York State’s solid waste management policy, as set forth in the New York State Environmental Conservation Law. Yet, the proposed Guidelines do not address source reduction, the highest concern of both the EPA and the State of New York. Control dispenser systems and reduced packaging efforts, for example, which should count heavily in an environmentally responsible procurement policy, are not addressed in the proposed Guidelines, presumably because Green Seal, Inc. has not included these core principles in its standards. The proposed criteria for “environmentally sensitive cleaning and maintenance products”, as identified by Green Seal, Inc., basically addresses only recycled content and bleaching for the towel, napkins, and tissue products.

Georgia-Pacific’s North American Commercial Division is the leading provider of towel, tissue and napkin dispensing systems that REDUCE paper consumption in the United States. And through Harmon Associates, a Georgia-Pacific subsidiary, we collect over 5 million tons of wastepaper each year to REUSE in the production of new products in the industry. The proposed Guidelines do not recognize the EPA and

New York State priorities of reducing waste and re-using waste, and do not provide potential vendors with any credit or incentive with respect to these important issues. We believe that lack of consideration of these EPA and New York State priorities could have a dire impact on the continued efforts to drive environmentally sound behavior.

Georgia-Pacific respectfully suggests that the environmental issues associated with the procurement, use and disposal of paper products are beyond the scope of Chapter 584 of the Laws of 2005 and the proposed Guidelines. If, however, paper towels, napkins and tissue were to be included in the proposed Guidelines, systems and products that reduce waste and encourage recycling should be recognized and encouraged under Section V of the Guidelines.

The EPA accepts the use of chlorine compounds in paper making operations. The EPA has even considered chlorine dioxide as best available technology in the pulping and bleaching processes. Yet, Green Seal, Inc. disallows any use of chlorine compounds without explanation as to the environmental benefits provided by eliminating those compounds. The use of elemental chlorine was associated with the formation of dioxins in the late 1980's and early 1990's, but those manufacturing techniques were discontinued in the late 1990's.

Manufacturing facilities using chlorine compounds, like Georgia-Pacific, have no detectable dioxins in effluents when using state-of-the-art analytical techniques with detection limits of 2 parts per trillion. We believe that the proper use of chlorine compounds does not produce a negative environmental impact. There is no scientific evidence of negative environmental impacts from the proper use of chlorine compounds to reduce effluents in the paper manufacturing processes.

Georgia-Pacific's manufacturing processes are fully permitted and subject to extensive regulation by the EPA, the New York State Department of Environmental Conservation, and regulators in the other individual states in which its manufacturing facilities are located. Again, we would respectfully suggest that the environmental issues associated with bleaching and the proper and permitted use of chlorine compounds is beyond the Legislative Intent and the scope of both Chapter 584 of the Laws of 2005 and the proposed Guidelines. The procurement and use of paper towels, napkins and tissue in school facilities simply does not affect indoor air quality in these facilities. If such paper products are nonetheless included in the proposed Guidelines, we suggest that the requirements with respect to bleaching be deleted, as they do not comport with existing EPA regulations.

The EPA, The Federal Trade Commission ("FTC") and the New York Code of Rules and Regulations [6 NYCRR 368.2(l)] all provide that recycled content is a calculated mass balance of the recycled manufacturing process and accept an annual average for claims substantiation. Green Seal, Inc. appears to have decided that for the proposed Guidelines, the process must be an average of no more than 3 months. This would require manufacturers that are complying with existing EPA and FTC guidelines and with New York State regulations to follow a separate and distinct calculation system to substantiate claims for New York schools. While similar, the 3-month claims would be different from the annual claims, thus generating the possibility for confusion in the marketplace. The creation of a separate calculation system for New York school facilities would require manufacturers to expend energy and resources that could be channeled into more productive and valuable efforts to improve the environment.

Georgia-Pacific respectfully suggests that the issues associated with the calculation of recycled content are beyond the scope of the Legislative Intent and the Stated Purpose of the Guidelines, which focus on indoor air quality. Should the State choose to address the calculation of recycled content in the proposed Guidelines, the existing specifications developed by the FTC, and accepted by the EPA with respect to annual averaging of recycled content should replace the criteria devised by Green Seal, Inc.

The EPA recycled content guidelines require a range of recycled content for products. For example,

towels must have from 40 percent to 100 percent total recycled fiber and from 40 percent to 60 percent post-consumer recycled fiber. In addition, the New York Code of Rules and Regulations contains standards for the minimum percentage of post-consumer material for various products, which must be met to use New York State's Recycled Emblem (the "chasing arrows" emblem). For example, under the existing New York State regulations, paper towels must contain 40 percent post-consumer material and paper napkins must contain 30 percent of such material to use New York's Recycled Emblem.

In spite of these existing legal standards, Green Seal, Inc. has decided that for its certification, paper towels, napkins and tissue must contain "100 percent" recovered materials. This figure is not an EPA suggested value and it discriminates against an integrated manufacturer such as Georgia-Pacific who manufactures a multitude of products, for many end use applications, all in the same facility. Some of these applications require virgin fiber. Any time virgin fiber is used in a mill, there is a possibility some of those fibers can get into the finished recycled content product through the broke systems and the water reuse systems. Implementation of manufacturing processes to absolutely assure that virgin fibers do not contaminate a recycled production line in an integrated mill would be very costly, inefficient, and result in no environmental benefit. Hence, to be as accurate and forthcoming as possible, Georgia-Pacific discloses the fact that a small amount of fibers could inadvertently be included into the recycled product, and thus we only claim that our products are a minimum of 95 percent total recycled fiber. It would be a significant burden and expense to attest to "100 percent" recycled materials in a product (as opposed to 95 percent), with no significant benefit to the environment.

We reiterate that New York State's existing regulations with respect to recycled content do not require a "100 percent" standard for use of New York State's Recycled Emblem. Rather, the regulations state:

"If a package or product contains less than 100 percent recycled material content, the percentage of total recycled material content or both the pre-consumer and post-consumer recycled content must be displayed with the term or emblem."

New York State has considered the recycled content issue through its formal rule making process, and had determined that a "100 percent" recycled material content is not required for use of its Recycled Emblem.

EPA and New York State regulations require a 30 percent post-consumer material be contained in napkins. Green Seal. is requiring 40 percent post-consumer content; again without any explanation of the divergence from EPA and New York State guidelines or any indication of environmental benefit.

The inclusion of the "100 percent" requirement in the proposed Guidelines, without demonstrable environmental benefit, will likely lead to a lack of sufficient competitive bid submissions from companies like Georgia-Pacific and potentially the lack of sufficient quantity of conformant product to satisfy the needs of the New York bids.

Through Georgia-Pacific's ENVISION brand and other products, Georgia-Pacific produces and sells many EPA compliant products utilizing the appropriate amount and type of RECYCLED fiber. Yet, under the proposed Guidelines, the requirement to be Green Seal approved or equivalent, including the strict 100 percent recycled fiber content and no chlorine compounds clauses, precludes a bid from Georgia-Pacific on any of the commercial towel, tissue, or napkin products, without regard for Georgia-Pacific's adherence to EPA standards and priorities. This result places Georgia-Pacific at a distinct disadvantage, even though we use over 3 million tons of recovered fiber in our integrated and multi-faceted operations. As there is no proof of any environmental benefit in support of the apparently arbitrary value requiring "100 percent", we question its justification.

Finally, it is important to understand that the marketplace is now driving the recovered fiber rate of recovery. Where there used to be stockpiling of recovered paper, today there is a market for all the recovered paper Georgia-Pacific can collect. As a result, Georgia-Pacific has increased efforts to recover every bit of paper available to satisfy the growing recovered paper market. Consequently, the proposed

Guidelines' placement of a higher demand for recycled content may unwittingly drive higher product costs simply as a result of a manufacturer's potential inability to keep pace with marketplace demand.

Georgia-Pacific respectfully finds that the issues associated with recycled content are beyond the scope of the Legislative Intent and the Stated Purpose of the Guidelines, which focus on indoor air quality. There is no scientifically-based environmental benefit generated by a strict "100 percent" recycled content requirement. More importantly, this requirement does not reduce potential health hazards for the school children, teachers and school employees. If New York desires to address recycled content requirements, we would respectfully suggest implementation of the established EPA recycled content guidelines.

New York State has engaged a third-party organization, with a private board of directors, as its authority on the criteria for environmentally-sensitive products. As demonstrated above, many of the key standards set forth by Green Seal, Inc. differ drastically from standards that have been developed, subjected to public comment, and formally adopted by such public agencies as the EPA, the FTC, and the State of New York.

The proposed Guidelines state that: "Green Seal has no financial interest in the products that it certifies or recommends, nor in any manufacturer or company. Green Seal's evaluations are based on state-of-the-art science and information using internationally recognized methods and procedures." While these statements may be true, it should be recognized that unlike the EPA and the FTC, Green Seal, Inc. is supported by private dollars that certainly provide an interest in its generation of revenue through its certification process and award, and permitting of the use of its logo.

Georgia-Pacific respectfully requests that OGS promulgate guidelines that are within the boundaries of the legislative delegation of developing guidelines and specifications to reduce exposure to potentially harmful chemicals in the school environment. The inclusion of tissue paper, paper towels and napkins is an added requirement that is not contemplated by Chapter 584 of the Laws of 2005.

The proposed Guidelines have been posted by OGS for public review and comment. We note, however, that they are not being promulgated pursuant to the State Administrative Procedure Act ("SAPA"), which governs administrative rule making in the State of New York and sets forth certain minimum procedures and guidelines for that process. Under SAPA, in addition to publication and public comment, when promulgating rules and regulations, State agencies generally must prepare: (i) a Regulatory Impact Statement, which must include the identification of any duplication with other state or federal requirements; (ii) a Regulatory Flexibility Analysis; (iii) a Rural Area Flexibility Analysis and (iv) a Job Impact Statement. In addition, the text of proposed rules are generally subject to review by the Governor's Office of Regulatory Reform, to assure that such rules are consistent with existing state statutes and rules and do not unnecessarily duplicate or exceed existing federal or state statutes or rules, among other criteria. Georgia Pacific strongly suggests that an appropriate review of the proposed Guidelines would reflect that "Green Seal, Inc." certification on tissue, paper towels and napkins would not reduce the exposure of school children to hazardous chemicals. We further believe that requiring Green Seal certification unnecessarily burdens and discriminates against manufacturers that fully comply with or exceed accepted federal and state standards.

## Summary

Georgia-Pacific Corporation has had a long history of doing business with the State of New York and desires to continue that good business relationship. We want to work with the State of New York to develop the most scientifically-based, meaningful, and effective purchasing guidelines to protect school children and employees. We believe that including provisions regarding "Reduce, Reuse, and Recycle" as established by the US EPA will provide long term environmental benefit. Georgia-Pacific Corporation has several manufacturing and administrative facilities in New York State and therefore has great concern that

New York Guidelines and Specifications comport with Chapter 584 of the Laws of 2005, which was intended to reduce the exposure of school children to chemicals and other hazardous substances in the school environment. Paper towels, napkins and tissue simply do not cause hazardous exposures or otherwise affect indoor air quality and are thus beyond the intent and scope of the legislation. The attempt to include such paper products in the proposed Guidelines under the rubric of maintenance products does not improve the health and safety of our school children. Rather, the inclusion of such paper products into newly-created guidelines clearly directed at chemicals contained in cleaning products fails to recognize important existing environmental standards and practices relative to the procurement, use, and disposal of paper products, such as Reduction and Reuse.

(Submitted By: Kelly M. Lamendola, Esq., Plunkett & Jaffe, P.C., Albany, NY On Behalf Of: Richard L. Davis, Sr. Mgr. Product Stewardship, Georgia-Pacific Corporation, Neenah, Wisconsin)

--Von Drehle Corporation is a manufacturer of towel and tissue products.

I'm writing to object to establishing Green Seal certification as a requirement in the contract/bidding/qualification process. Although many of our products, and the products of many other manufacturers, meet or exceed the requirements for Green Seal certification, the cost of Green Seal certification is prohibitive. In addition to the initial cost to approve a product, they require exorbitant fees to maintain the certification. They even go so far as to require that the manufacturer pay their travel expenses plus 30%. In our opinion, Green Seal is not a "non-profit" organization. Check the salaries of the principals. In this case, "non-profit" means there is no profit left in the company because the principals remove it for personal use. We respectfully suggest that you write the specifications as you want them but do not require a specific company's certification. You can accomplish the same goal without putting an unnecessary burden on manufacturers which would do nothing but limit competition from small and medium sized companies.

(Submitted By: [rvondrehle@vondrehle.com](mailto:rvondrehle@vondrehle.com))

--On behalf of our client - the American Forest & Paper Association (AF&PA) - I write with regard to proposed guidelines and specifications for the procurement and use of environmentally sensitive cleaning and maintenance products for all public and nonpublic elementary and secondary schools in New York State, pursuant to Chapter 584 of the Laws of 2005. AF&PA provides the following comments:

#### LEGISLATIVE INTENT

A plain reading of the statute authorizing the green cleaning guidelines for public schools reveals that there is no requirement for guidelines and specifications to cover paper products, toilet tissue, napkins and paper towels. The legislation was aimed at reducing the level of chemicals inside school buildings. Paper products, toilet tissue, napkins and paper towels do not contribute to this hazard.

The legislative intent provision of Chapter 584 clearly states:

"Even more so than adults, children are vulnerable to, and may be severely affected by, exposure to chemicals, hazardous wastes and other environmental hazards (emphasis added). The Federal Environmental Protection Agency estimates that human exposure to air pollutants indoors can be two to five times, and occasionally up to 100 times, higher than outdoor level. Children, their teachers, and other school staff members spend a significant part of their lives in school buildings, and are exposed to chemicals from cleaners, waxes, deodorizers and other maintenance products. Health threats may be caused by the presence of such chemicals, potentially resulting in increased costs to individual schools, school districts, and the state in terms of staff time and effort, cleanup costs, school closings and student absenteeism."

Paper towels, napkins, tissue and other paper products, regardless of their fiber content, will not generate any of the hazardous exposures discussed in the legislation and should be eliminated from the proposed guidelines.

#### GREEN SEAL INC.

The Guidelines should not exclusively endorse one program, Green Seal, as the sole definition of environmentally sensitive. Our members' products are derived from sustainably managed and

environmentally sound forests and have little to no hazardous impact on people or the environment. However, without providing adequate scientific evidence on health, safety and performance, those products may be deemed "insufficient" by the Green Seal program. They fail to provide justification as to why certain limit values are chosen or how these limits protect human health and the environment.

The guidelines document states that: "Green Seal has no financial interest in the products that it certifies or recommends, nor in any manufacturer or company." In fact, Green Seal, Inc. does have a financial interest; they receive service fees for inspecting facilities, certifying products, and for Green Seal logo use on all products. The acceptance of their standard as the sole criteria in official state documents will certainly help their business grow and benefit the group financially. AF&PA does not believe the state should provide a monopoly or franchise for one certifying body.

#### U.S. EPA STANDARDS

Chapter 584 of the laws of 2005 directed the Commissioners to consider EPA research and guidance and the office of the federal environmental executive research and guidance in adopting the guidelines for environmentally sensitive cleaning and maintenance products; Green Seal, Inc. does not follow this guidance. If it becomes necessary to consider paper products in the Guidelines, the state should change the bleaching and recycled content standards for all paper products addressed in the draft to reflect EPA standards.

Bleaching - The Green Seal standards for paper towels/napkins and for tissue paper prohibit the use of "chlorine or any of its derivatives" in the manufacturing process. However, the Guidelines should allow paper products manufactured with chlorine dioxide bleaching products to be considered "environmentally sensitive!" All U.S. papergrade manufacturers have phased out the use of elemental chlorine in the bleaching process. Most have converted to chlorine dioxide-based processes, thereby eliminating detectable levels of dioxins in mill effluents. Paper products manufactured with chlorine dioxide bleaching processes do not pose health risks to people. Furthermore, chlorine dioxide processes have no greater environmental impact than other current technologies. In fact, EPA recognizes chlorine dioxide bleaching processes as a "best available technology" (BAT) for pulp and paper manufacturing.

AF&PA believes the bleaching requirement does not further the guidelines' stated intent and OGS should remove this criterion from its draft.

Recycled Content - If an alternative recycled content requirement becomes necessary to consider, then AF&PA proposes that New York adopt the EPA recycled content guidelines. This includes amending the napkin specification from the Green Seal required 40% post-consumer to 30% post-consumer so as to be consistent with the EPA guidelines.

Green Seal Inc. has also determined that in order for a paper product to be awarded the organization's certification, that the product must contain 100% total recycled fiber. Yet, there is no scientifically based environmental benefit generated from this requirement and no "reduction in any health hazards for the school children and employees." Furthermore, given the mixed use of most mill operations between virgin and recovered fiber, it is very difficult and expensive to guarantee 100% recycled fiber products. This is not an EPA suggested value and it discriminates against an integrated manufacturer, as well as manufacturers of many recycled content products that include some amount of virgin material. The proposed guidelines should be amended to eliminate the 100% total recycled content requirement.

#### NEW YORK STATE STANDARDS

New York State currently has standards that are consistent with the U.S. EPA standards for paper products. The New York State Department of Environmental Conservation in its regulations, Title 6 of the New York Code of Rules and Regulations, Part 368, has determined that in order to qualify for a recycling emblem, that paper products must meet the following Post-Consumer Material Content: 40% for paper towels and 30% for paper napkins.

Further, OGS references this recycled emblem standard in its general Invitation For Bid for commodities and Non-technology services. Moreover, OGS — in its centralized contracts for all state agencies and political subdivisions - has awarded contracts for paper towels with 40% Post-Consumer Material Content for paper towels and 30% Post-Consumer Material Content for paper napkins which standards meet the recycling emblem qualifications. The Commissioners should continue to apply the



standard already in effect in New York.

## CONCLUSION

AF&PA strongly urges the Commissioners to exempt all paper products from the proposed school guidelines/ as it was the intent of Legislature to limit and/or ameliorate indoor air hazards, not to focus on paper products. Neither the recycled content of paper products nor the bleaching technology has any bearing on the issues inherent in Chapter 584, and should be eliminated from the guidelines.

Thank you for your consideration of our position, and AF&PA's membership and technical expertise is available to you and your colleagues in this regard.

(Submitted By: James J. Carr, President, Carr Public Affairs, Inc., Albany, NY On Behalf of: American Forest & Paper Association)

## --SCA in New York - Environmental Benefits & Economic Impacts

Our Northeast Region includes manufacturing facilities in South Glens Falls and Greenwich, and a distribution center in Saratoga. Notable points of differentiation include:

- The South Glens Falls mill is one of the oldest 100% recycled paper mill in Upstate New York. This facility alone produced over 85,000 tons of recycled paper last year. The mill itself dates back to 1864, then as the Glens Falls Paper Mill Company.
- Our South Glens Falls facility has been 100% chlorine free since December 1993 - at a time when such an achievement distinguished the facility among others in the industry nationally.
- The South Glens Falls and Greenwich facilities employ 520 New York State employees, making SCA Tissue one of the largest paper-manufacturing employers in the region.
- Our annual economic impact is \$32 million from direct payroll and over \$31 million annually for outside goods and services purchased within New York State.
- We have made significant capital investments in our South Glens Falls and Greenwich facilities to advance recycling operations and manufacturing overall. Our de-inking capabilities, fiber re-capture, wastewater treatment technology, and energy use have all been upgraded in keeping with our long-standing commitment to environmental stewardship.
- We plan additional capital investments to position these facilities to be competitive and stable in the regional marketplace, ensuring a long-term commitment to the regional community, the regional economy and New York State. This will include modifications to the South Glens Falls waste paper processing area to allow it to utilize a much higher volume of post consumer grades such as office waste from the New York City metropolitan areas. ;
- We are working with several New York State companies on a partnership for supplying waste paper to the South Glens Falls mill on an ongoing basis, keeping the business in the state, and advancing paper recycling efforts.
- SCA Tissue's South Glens Falls facility has also been recognized in the national media for its long-standing commitment to high environmental principles. This facility was selected for PBS' nationally broadcast and award-winning science and technology series, Newton's Apple, and for the National Public Radio's The Environment Show for segments showcasing commitment to and advancement in recycled paper manufacturing. Regionally, WMHT-TV's Made In New York series, focusing on New York State companies that are seen as future-oriented leaders in their fields, featured the South Glens Falls facility, as did CNBC's Today's Environment.

SCA Tissue is among the top three tissue manufacturers nationally. We take environmental responsibility and practice seriously- Please see the enclosed sell sheet that details some of our environmental achievements nationwide, as well as the enclosed Think, Act, Lead brochure which offers additional information on our proven environmental stewardship - globally and throughout North America.

We believe that, given SCA Tissue's commitment and demonstrated leadership and success in attaining high environmental standards in recycled paper manufacturing, our offering of Environmental Choice certified products should be given priority consideration under the policy guidelines being developed. At SCA, we are not only working to meet and exceed environmental standards, we are working to create them. (Don Lewis, Sr. Vice President-Sales & Marketing, SCA Tissue North America, Neenah, WI)

